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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Amar LULLA, et al.

Art Unit: 3743

Serial No. 10/617,850

Examiner: Nihir Patel

Filed: July 14, 2003

For: SPACER DEVICE FOR INHALER

**REQUEST FOR RECONSIDERATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of December 13, 2004, Applicants respectfully request reconsideration.

I. Claims 1, 5, 6 and 8-13

Claims 1, 5, 6 and 8-13 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Schmidt et al. (U.S. Published Patent Application No. 2002/0026935) in view of Armer et al. (U.S. Patent No. 6,095,141) in further view of Berg et al. (U.S. Patent No. 6,435,176). The Office Action asserts Schmidt et al. teaches each feature of the rejected claims, except for the chamber being made of polyamide and having the shape of two frustoconical members assembled together coaxially at divergent ends, for which purpose Armer et al. and Berg et al. are apparently cited.

A. "wherein the chamber is made of a polyamide"

Applicants direct the Examiner's attention to page 5 of the Amendment filed on March 14, 2005, which states,

Even if Hallworth et al. teaches a locking means, such locking means is for locking together two halves of a medicament-containing capsule shell (column 5, lines 55-56), rather than locking means to lock together in an assembled condition two members forming a chamber. Hallworth et al. does refer to two chamber-forming members having a peg and a slot respectively, the peg being arranged in the slot and allowing axial movement, in a constrained spiraling path, of one chamber-forming member, with respect to other. As the members are relatively rotatable, they are not locked together in an assembled condition, as recited by claim 7. Nowhere in Hallworth et al. is this peg-slot combination described as being a locking means. Moreover, Hallworth et al. fails to teach or suggest the bi-frustoconical shaped features missing from Schmidt et al., as detailed above.

III. Conclusion

Reconsideration of the rejections is respectfully requested.

In view of the above, it is respectfully submitted that all objections and rejections are overcome. Thus, a Notice of Allowance is respectfully requested. If any additional fee is necessary, it may be charged to the undersigned's deposit account number 19-4375.

Respectfully submitted,



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